

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA,	:	
	:	21 Cr. 270 (LGS)
	:	
-against-	:	<u>ORDER</u>
	:	
RAUL ALVAREZ TAVAREZ,	:	
Defendant.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on April 26, 2021, Defendant pleaded guilty to Conspiracy to Distribute and Possess with Intent to Distribute Heroin and Fentanyl. On November 1, 2021, Defendant was sentenced to a custodial term of 72 months;

WHEREAS, on December 12, 2023, the Probation Department issued a Supplemental Presentence Investigation Report (“Supplemental PSR”), which concludes that Defendant appears to be ineligible for an adjustment of his Guidelines range based on Amendment 821;

WHEREAS, on August 26, 2024, Defendant filed a motion to appoint counsel and a motion for a sentence reduction pursuant to Amendment 821 to the Sentencing Guidelines, which went into effect on November 1, 2023, and applies retroactively;

WHEREAS, Defendant is ineligible for a “status point reduction” under the changes to U.S.S.G. § 4A1.1 because he did not receive an enhancement for committing these offenses while under a criminal justice sentence;

WHEREAS, Defendant does not meet the criteria to qualify for a “zero-point offender” offense level reduction pursuant to U.S.S.G. § 4C1.1 because Defendant received criminal history points from Chapter Four, Part A, which disqualifies him from the reduction under U.S.S.G. § 4C1.1(a)(1);

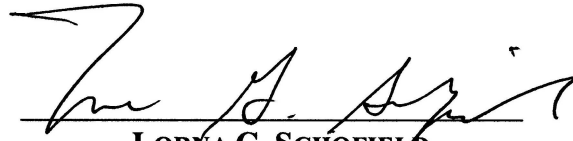
WHEREAS, the Court has considered the record in this case and agrees with the Supplemental PSR that Defendant is ineligible for an adjustment of his Guidelines range based on Amendment 821. It is hereby

ORDERED that Defendant's motion for a reduction of sentence is **DENIED** and his motion to appoint counsel is **DENIED as moot**.

The Clerk of the Court is respectfully directed to terminate the motion at Dkt. No. 37 and to mail a copy of this Order to Defendant at the following address.

Raul Alvarez Tavaréz (Reg. No. 92311-054)
FCI Lompoc II
Federal Correctional Institution
3901 Klein Blvd
Lompoc, CA 93436

Dated: September 30, 2024
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE